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② DAE

PTO/SB/64 (10/01)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
**A-6280**First Named Inventor: **Rodriguez**Application No.: **09/736,661**Group Art Unit: **2613**Filed: **12/14/2000**Examiner: **An, Shawn S.**Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and patent applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition Fee**☐ Small entity – fee **\$640.00** (37 C.F.R. 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity – fee **\$1,280.00** (37 C.F.R. 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of **Amendment** (identify type of reply):

- ☐ has been filed previously on \_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on \_\_\_\_.
- ☐ is enclosed herewith.

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### 3. Terminal disclaimer with disclaimer fee

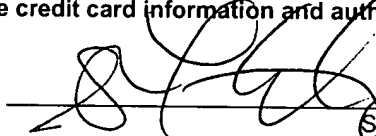
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of **\$55.00** for a small entity or **\$110.00** for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **Statement.** The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

12/30/02

Date



Signature

Telephone Number: (770) 933-9500

Jeffrey R. Kuester, Reg. No. 34,367

Typed or printed name

Thomas, Kayden, Horstemeyer & Risley LLP  
100 Galleria Parkway  
Suite 1750  
Atlanta, GA 30339

Enclosures:

- ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Additional sheets containing statements establishing unintentional delay  
☐ Other:

### CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

12/30/02

Date

Signature

JEFF KUESTER

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